

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

In Re:	)	Case No. 14-43989-659
	)	Chapter 7
ERIC E. VICKERS,	)	Honorable Kathy A. Surratt-States
Debtor.	)	
	)	
	)	Hearing Date: May 11, 2015
	)	Hearing Time: 10:00 a.m.

**MOTION TO DISMISS WITH SANCTIONS**

COMES NOW Seth A. Albin, duly appointed Trustee herein, and for his Motion to Compel With Sanctions, respectfully states to this Honorable Court as follows:

1. This court has Jurisdiction over the subject matter of this proceeding pursuant to U.S.C. §§ 151, 157 and 1334, and Local Rule 9.01 of the United States District Court, Eastern District of Missouri.

2. This is a “core proceeding” pursuant to 28 U.S.C. § 157(b)(2)(A) and (E), which the Court may hear and determine.

3. On or about May 16, 2014, Debtor filed a Petition for Relief pursuant to Chapter 7 of the United States Bankruptcy Code.

4. Seth A. Albin is the duly appointed and acting Chapter 7 Trustee herein.

5. Pursuant to 11 U.S.C. §521 (3), (4); 542(a) and Federal Rule of Bankruptcy Procedure 4002(4), the Debtor is obligated to cooperate with the Trustee in the administration of the estate and to surrender to the Trustee all property of the estate, including but not limited to all documents, papers, records and information.

6. Trustee requested that Debtor supply missing schedules on or about May 16, 2014.

7. On or about June 13, 2014 Debtor filed his Motion to Dismiss Case stating that he “has few, if any assets the sale of which would result in any distribution to creditors, and can now use moneys otherwise allocated to rent of the resident to pay debts in the ordinary course.”

8. Trustee filed an Objection to Debtor’s Motion to Dismiss Case on the basis that Debtor failed to file the requisite bankruptcy schedules.

9. After conducting a hearing on the Motion to Dismiss and Trustee’s Objection, the Bankruptcy Court entered an Order on September 18, 2014, requiring Debtor to file schedules on or before September 30, 2014 and sit for a 341 meeting of creditors on October 16, 2014.

10. The Debtor failed to comply and continues to fail to comply with the Bankruptcy Court’s October 16, 2014, Order, including Debtor has yet to file any of the required missing schedules and failed to appear at any scheduled 341 meeting.

11. To avoid having the time and expense of the Trustee filing a motion for contempt or a motion to dismiss, the Debtor and the Trustee attempted to enter a consent agreement that would provide for the dismissal of Debtor’s Case No. 14-43989-659 with the stipulation that the Debtor consented to the entry of an order by the Bankruptcy Court denying the Debtor a discharge of his debts and banning Debtor from receiving or obtaining a discharge under any chapter of the Bankruptcy Code for a period of ten (10) years after the execution of this consent agreement.

12. A proposed order was sent to Debtor’s Counsel on or about January 28, 2015. To date, Debtor has not signed the consent motion/agreement.

13. Trustee can find no further means of securing the compliance of Debtor to comply with this Court’s orders.

WHEREFORE, the Trustee prays that this Honorable Court make and enter its Order granting the Trustee's Motion to Dismiss Debtor's Case For Failure to Comply With this Court's Order of October 16, 2014 denying the Debtor a discharge of his debts and banning Debtor from receiving or obtaining a discharge under any chapter of the Bankruptcy Code for a period of ten (10) years and granting such additional relief as the Court may deem just and proper in the premises.

Respectfully Submitted  
**ALBIN LAW**

By: /s/ Elizabeth LaFlamme  
**ELIZABETH LAFLAMME #49918**  
Attorney for Chapter 7 Trustee  
7710 Carondelet Ave, Suite 405  
St. Louis, Missouri 63105  
(314) 721-8844/(314) 721-8855 fax  
[elaflamme@albinlawstl.com](mailto:elaflamme@albinlawstl.com)

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served via electronic filing in the CM/ECF system of the United States Bankruptcy Court for the Eastern District of Missouri to the parties requesting service by electronic filing. I hereby also certify that a copy of the foregoing was served via United States Mail, first class postage prepaid, on the date of the electronic filing of this document to those individuals and entities not requesting service by electronic filing. The individuals and entities being served electronically or by mail are:

United States Department of Justice  
U.S. Trustee's Office  
111 S. 10<sup>th</sup> Street, Ste. 6353  
St. Louis, MO 63102

Mr. Eric E. Vickers  
1100 Wyoming Street  
St. Louis, Missouri 63118  
*Debtor*

Mr. J. Talbot Sant, Jr.  
1610 Des Peres Road, Suite 100  
St. Louis, Missouri 63131  
*Attorney for Debtor*

Date: April 9, 2015

/s/ Ellen M. Gillen